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Paper 41
Entered: 25 September 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference 105,563 McK
Technology Center 2100

MICHAEL D. DOYLE, DAVID C. MARTIN
and CHEONG S. ANG,

Patent 5,838,906,
Junior Party,

v.

SRINIVASA R. KOPPOLU, C. DOUGLAS HODGES,
BARRY B. MacKICHAN, RICHARD McDANIEL,
RAO V. REMALA and ANTONY S. WILLIAMS,

Application 09/442,070,
Senior Party.

*Before: FRED E. McKELVEY, Senior Administrative Patent Judge, and
RICHARD E. SCHAFER and JAMES T. MOORE, Administrative Patent
Judges.*

McKELVEY, Senior Administrative Patent Judge.

JUDGMENT

Upon consideration of KOPPOLU REQUEST FOR ADVERSE
JUDGMENT (Paper 39), it is
ORDERED that judgment on priority as to Counts 1 and 2
(the only counts in the interference; Paper 1, pages 9 and 13) is awarded

1 against Senior Party SRINIVASA R. KOPPOLU, C. DOUGLAS HODGES,
2 BARRY B. MacKICHAN, RICHARD McDANIEL, RAO V. REMALA and
3 ANTONY S. WILLIAMS.

4 FURTHER ORDERED that Senior Party SRINIVASA R.
5 KOPPOLU, C. DOUGLAS HODGES, BARRY B. MacKICHAN,
6 RICHARD McDANIEL, RAO V. REMALA and ANTONY S. WILLIAMS
7 is not entitled to a patent containing claims 40-44 and 50 (corresponding to
8 Count 1) or claims 45-49 (corresponding to Count 2) of:

9 application 09/442,070,
10 filed 16 November 1999
11 to reissue U.S. Patent 5,801,701,
12 issued 01 September 1998.

13 FURTHER ORDERED that KOPPULO MOTION 2 (for
14 judgment based on alleged inequitable conduct on the part of Doyle)
15 (Paper 35) is *dismissed* as moot.

16 FURTHER ORDERED that if there is any further settlement
17 agreement in addition to the agreement already made of record, attention is
18 directed to 35 U.S.C. § 135(c).

19 FURTHER ORDERED that a copy of this JUDGMENT shall
20 be placed in the files of (1) Doyle U.S. Patent 5,838,906, (2) Koppulo U.S.
21 Patent 5,801,701, and (3) Koppulo reissue application 09/442,070.

22 FURTHER ORDERED that the Clerk is directed to distribute
23 the files upon entry of this JUDGMENT.

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